

DEC 14 2006

Case No. 4992-1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/718,237  
Applicant(s) : ROSENBLUM, Barnett et al.  
Filed : November 19, 2003  
TC/A.U. : 1634  
Examiner : James Martinell  
For : POLYNUCLEOTIDE SEQUENCE  
DETECTION ASSAYS AND  
ANALYSIS

Confirmation No.: 9907

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being submitted via facsimile no. 571-273-8300 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date of Submission: December 14, 2006

Signature:

Debra K. Bowen

Type Name of Depositing Party: Debra Bowen

Confirmation : 9907  
No.

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

In response to the communication mailed June 26, 2006, Applicant traverses the requirement for restriction as detailed below.

In the Office Action, the Examiner has drawn a distinction between the inventions in Claim Group I (Claims 1-13), Claim Group II (Claims 14-18 and 27) Claim Group III (Claims 19-26). The Examiner contends that the three claim groups can be independently practiced, and that they place an undue search burden on the examiner.

MPEP 802.1 defines the term "independent" as meaning "that there is no disclosed relationship between the two or more inventions claimed." Here all three claim groups are related as they deal with the detection of biochemicals via mobility probe information. Thus, Applicant respectfully asserts that the three claim groups are closely related. In addition Applicant contends that the subject matter of the Claims should not impose a serious burden

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upon the Examiner to search together. Applicant directs attention to M.P.E.P §803, which provides:

If the search and examination of an entire application can be made without serious burden, the Examiner is encouraged to examine it on the merits, even though it includes claims to distinct or independent inventions.

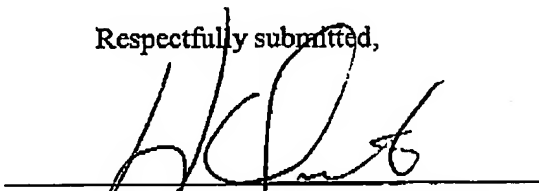
Applicant points out that two of the claim groups are all of the same class and that the search results for any one group would likely be applicable to all three claim groups and thus should not constitute an undue search burden. Applicant respectfully requests withdrawal of the restriction requirement and examination of all pending claims.

However, in order to be fully responsive to the communication mailed June 26, 2006, Applicant hereby provisionally elects the claims of Group I, corresponding to Claims 1-13.

If any additional fees are required, the Commissioner is authorized to charge any additional fees or credit any excess payments to Deposit Account No. 01-2213 (Order No. 4992-1 US). Any deficiency or overpayment should be charged or credited to this deposit account.

Respectfully submitted,

Date: December 14, 2006

  
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Hugh J. Pasika, Reg. No. 54,362  
Agent for Applicants

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